

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

COMMERCIAL ROOFING LICENSING LAW

TITLE 5 CHAPTER 73

DEPARTMENT OF ADMINISTRATION BUILDING CODE COMMISSION CONTRACTORS' REGISTRATION BOARD

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STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS



COMMERCIAL ROOFING LICENSING LAW

TITLE 5

CHAPTER 73

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STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Department of Administration



RHODE ISLAND CONTRACTORS'

REGISTRATION BOARD

COMMERCIAL ROOFING LICENSING LAW

CHAPTER 73

[Effective July 1, 2003]

Section.	Description	Section	Description
5-73.1	Definitions		
5-73.2	Purpose		
5-73.3	Registration of roofing contractors.		
5-73.4	Registration fee.		

CHAPTER 5-73

Roofing Contractors

SECTION 5-73-1

§ 5-73-1 Definitions. – As used in this chapter, the following terms mean:

- (1) "Roofing contractor" means any person or entity engaged in the state of Rhode Island in the business of commercial or industrial roofing, or any combination of these.
- (2) "Roofing" means and includes any and all construction, renovation or other work performed on or about the roof, as the term is commonly used, of any nonresidential structure or similar building and specifically includes sealing, water proofing, weatherproofing, related sheet metal work, and similar work.
- (3) "Nonresidential structure" means and includes any and all commercial or industrial structures or buildings, and does not include any residential structures consisting of four (4) dwelling units or less as the terms are defined in § 5-65-1(3) and (5).
- (4) "Board" means the contractors registration board as defined in § 5-65-1.
- (5) "Shingles" mean wood or other materials, excluding slate, used in courses to cover roofs.

§ 5-73-2 Purpose. – The purpose of this act is to promote public safety, health and welfare by providing a mechanism to ensure that all roofing contractors conducting business in the state of Rhode Island have the requisite skills, training and experience necessary to safely and adequately conduct roofing activities within this state.

§ 5-73-3 Registration and licensing of roofing contractors. – (a) All roofing contractors, in addition to the requirements of chapter 65 of this title entitled "Contractor's Registration", if applicable, prior to conducting roofing business in the state of Rhode Island, must first submit an application to and be licensed by the contractor registration board on the form or forms that the board requires. The application includes the following information:

- (1) The name of the applicant;
- (2) The business address of the applicant;
- (3) The mailing address of the applicant;
- (4) The telephone number of the applicant;
- (5) The name of the party or officer who is responsible for all roofing activities conducted in the state of Rhode Island.
- (6) Any registration number and/or other license numbers issued by the state, or any city or town; and

- (7) A statement of the skills, training and experience of the applicant sufficient to ensure public safety, health and welfare.
- (8) Licensing requirements do not apply to roofing contractors applying shingles only.
- (b) To be eligible for licensure as a roofing contractor an applicant shall also fulfill the following requirements:
- (1) Be of good moral character;
 - (2) Pass an examination approved or administered by the contractors' registration board;
 - (3) Be in good standing with the contractors' registration board;
 - (4) All field personnel of the roofing contractor must have a current certificate of completion of the ten-(10) hours OSHA safety course or equivalent thereof as determined by the contractors' registration board.
 - (5) Take ten (10) hours continuing roofing education per year as set forth and recognized by the contractors' registration board; and
 - (6) Be bonded in the aggregate amount of the total dollar value of any contract entered into to perform roofing work; single project in the amount of one hundred thousand dollars (\$100,000) minimum.
- (c) The contractors' registration board is hereby authorized to adopt rules and regulations pursuant to the Administrative Procedures Act, chapter 35 of title 42, necessary to effectuate the purposes of this chapter.
- (d) Any person applying for a license or registration and making any material misstatement as to his or her experience or other qualifications, or any person, firm, or corporation subscribing to or vouching for any misstatement shall be subject to the discipline and penalties provided in § 5-65-10.
- (e) No corporation, firm, association, or partnership shall engage in the business of commercial roofing or represent itself as a commercial roofing contractor unless a licensed commercial roofer as provided in this chapter is continuously engaged in the supervision of its commercial roofing work, provided that the commercial roofer is a general partner or an officer and shareholder in the firm or corporation. If the license holder dies or otherwise becomes incapacitated, the corporation, firm, or association shall be allowed to continue to operate until the next examination shall be given or such times as the board shall see fit. In no event, however, shall the corporation, firm, association, or partnership continue to operate longer than fifteen (15) months without satisfying the license requirements of this chapter. Those roofers who have been registered with the board on October 15, 2001 and remain in good standing shall be exempt from the testing requirements set forth in this chapter.

§ 5-73-4 Registration fee. – All roofing contractors shall submit a payment in the amount of two hundred dollars (\$200) representing a license fee along with the application referenced in § 5-73-3, and be required to comply with the provisions of chapter 65 of this title and those provisions shall be interpreted to include commercial roofers as defined in this chapter.

COMMERCIAL ROOFING LICENSING LAW

ADMINISTRATIVE REGULATIONS STANDARDS OF PRACTICE CODE OF ETHICS



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State of Rhode Island and Providence Plantations

Contractors' Registration Board Commercial Roofing Licensing

DIVISION 1 - CODE OF ETHICS

1.0 Code of Ethics

Honesty, justice, and courtesy, form a moral philosophy, which associated with mutual interest among people, constitutes the foundation of ethics. The Licensee should recognize such a standard, not in passive observance, but as a set of dynamic principles, guiding their conduct. It is their duty to practice the profession according to this Code of Ethics.

As the keystone of professional conduct is integrity, the Licensee will discharge their duties with fidelity to the public, their clients, and with fairness and impartiality to all. Licensees should uphold the honor and dignity of their profession and avoid association with any enterprise or questionable character, or apparent conflict of interest.

- 1.1** The Licensee will express an opinion only when it is based on practical experience, education and honest conviction; and engage in accurate, appropriate and truthful promotion of the practice.
- 1.2** The Licensee shall always endeavor in the best interest of the client and the profession, to maintain and increase the level of knowledge, regarding new developments in the industry.
- 1.3** The Licensee will be respectful of the rights of others in obtaining professional work or employment.
- 1.4** The Licensee will make only accurate, truthful and appropriate statements or claims in regard to the professional qualifications, experiences or performances.
- 1.5** The Licensee shall conduct business in a manner that will assure the client independence from outside influence and interest, which could compromise his or her ability to perform.

- 1.6** The Licensee will preserve the confidence of its' client or employer and serve each in a professional and competent manner.
- 1.7** The Licensee shall exercise unprejudiced and unbiased judgment and conduct when performing all professional services.
- 1.8** The Licensee shall make every effort to uphold, maintain, and improve the professional integrity, reputation, and practice of a roofing contractor.
- 1.9** The Licensee shall practice only in area of expertise and competence.
- 1.10** The Licensee shall not engage in false or misleading advertising or otherwise misrepresent any matters to the public.
- 1.11** The Licensee shall not discriminate against anyone on the basis of age, creed, color, sex, sexual orientation, physical or mental handicap, or national origin.
- 1.12** The Licensee shall neither offer nor make any payment or gift to any public official, private client or industry representative with the intent of influencing that person's judgement or decision in connection with an existing or prospective project.

DIVISION 2 - DEFINITIONS

2.0 Definitions as used in these regulations:

Architectural Service: Any practice involving the art and science of building design for construction of any structure or grouping of structures and the use of space within and surrounding the structures or the design for construction, including but not specifically limited to, schematic design, design development, preparation of construction contract documents, and administration of the construction contract.

Board: Means the Contractors' Registration Board established pursuant to the provisions of section 5-65-1 of Rhode Island General Laws.

Building Official: Official charged with administration and enforcement of the Rhode Island State Building Code.

Commission: Means the Building Code Commission supportive of the Contractors' Registration Board.

Continuing Education Program: A formal presentation such as a lecture or interactive session with specified learning objectives at which a licensee can earn CEU's approved by the Board based on criteria established in the rules and regulations.

Complaint: The process whereby a complainant files on the form provided by the Board an action against a licensed or non-licensed contractor.

Component: A part of a system.

Condominium: Real estate, portions of which are designated for separate ownership and solely the owners of those portions designate the remainder of which for common ownership. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

Continuing Education Unit (CEU): One continuing education course classroom hour, comprising of at least 50 minutes of instruction.

Dishonest or fraudulent conduct injurious to the welfare of the public: Includes, but is not limited to, the following: (a) acting in a manner that, because of a wrongful or fraudulent act by the applicant or licensee, has resulted in injury or damage to another person; or (b) failing to pay monies when due for services rendered in connection with the applicant's or licensee operations as a company; or (c) accepting payment in advance on a contract or agreement and failing to perform work or provide services required by the contract or agreement and failing to return the payment; or (d) giving false, misleading or deceptive advertising whereby a reasonable person could be misled or injured; or (e) submitting an application for licensing that includes false or misleading information.

Dismantle: To take apart or remove any component, device or piece of equipment that would not be taken apart or removed by an owner in the course of normal and routine homeowner maintenance.

Employee: Means any person permitted to work by an employer, who receives wages, except that independent contractors or subcontractors shall not be considered employees. [Documents such as W-2's, payroll taxes, and IRS forms, may be requested by the Commission to substantiate an employee status.]

Employer: Means any individual, firm, partnership, association, joint stock company, trust, corporation, receiver, or other like officer appointed by a court of this state, and any agent or officer of any of the above mentioned classes, employing any person in this state.

Engineering Service: Any professional service or creative work requiring engineering education, training and experience; and the application of special knowledge of the mathematical, physical and engineering sciences to such professional service or creative work as consultation, investigation, evaluation, planning, design and supervision of construction for the purpose of assuring compliance with the specifications and design, in conjunction with structures, buildings, machines, equipment, works or processes.

Further Evaluation: Examination and analysis by a qualified professional, tradesman or service technician beyond that provided by the licensee.

Inactive License: Is one, which has lapsed, expired, suspended, revoked, or surrendered.

Nature and complexity: Includes, but is not limited to the following meaning: (a) involves issues requiring legal interpretation of statutes in addition to Chapter 5-65 and 5-73 (i.e. contract law, corporate law, etc.): or (b) In the interest of fairness and equity, requires

rulings on persons or entities outside the jurisdiction of the Commission; (c) Is outside the expertise of the commission.

Person: Means a self-employed individual, a partnership, or a corporation.

Public Body or Agency: Any executive, legislative, judicial, regulatory or administrative body of the state or any political subdivision thereof: including, but not limited to, public officials elected or appointed and any department, division, agency, commission, board, office, bureau, authority, any school, fire, or water district, or other agency or quasi-public agency of state or local government which exercises governmental functions.

Report: A written communication.

Roof Drainage Systems: Components used to carry water off a roof and away from a building.

Significantly Deficient: Unsafe or not functioning.

Structure: Includes modular and mobile homes, which come within the jurisdiction of the Board as structures at the time they are placed on support blocking or permanent foundations in the place they will be used.

Structural Component: A component that supports non-variable forces or weights (dead loads) and variable forces or weights (live loads)

Subcontractor: Is a licensed person who has a contract, either oral or written, with a roofing contractor, who is responsible for a specific portion of the job.

System: A combination of interacting or interdependent components, assembled to carry out one or more functions.

Technically Exhaustive: An investigation that involves dismantling, the extensive use of advanced techniques, measurements, instruments, testing, calculations, or other means.

The pursuit of an independent contractor as used: Means that the person operates as an independent contractor. Evidence of operating as an independent contractor and not as an employee may include, but not limited to the following criteria: (a) Is free from close supervision by the roofing contractor over the details of the work being performed, including hours of work; (b) Enters into a contract, either oral or written, which calls for the completion of certain work on a specific project for which payment is made on a per-hour,

time- and- material, barter, or entire job basis; (c) May have two or more effective contracts at any one time; (d) Hires and supervises other subcontractors and/or employees and may be responsible for business insurance and payroll taxes if help is hired; (e) Enters into a contract, either oral or written, which does not require the employer to consider remuneration paid to be wages for the purposes of unemployment compensation payments, or federal or state withholding; (f) Uses as normal business practices, telephone services, business cards, or commercial advertising; (g) Furnishes all of the equipment, tools and supplies necessary to carry out contractual obligations.

Unsafe: A condition on any project, which presents a significant risk of personal injury during normal, day-to day use. The risk may be due to damage, deterioration, improper installation or a change in accepted construction standards.

Wages: Shall mean all amounts at which the labor or services rendered is recompensed, whether the amount is fixed or ascertained on a time, task, piece, commission basis, or other method of calculation.

DIVISION 3 - STANDARDS OF PRACTICE

3.0 Standards of Practice

Introduction

3.1.1 The Contractor's Registration Board was established in 1990 and added to its' Board one new member, to govern the licensing of commercial roofers in the State of Rhode Island. Effective July 1, 2003, all commercial roofers must be licensed by the Board to perform work in the state of Rhode Island. The objectives include promotion of excellence within the profession and continual improvement to the services provided to the public.

Purpose and Scope

3.1.2 The purpose of these Standards of Practice is to establish a minimum and uniform standard for licensed roofers.

Roof System

3.1.3 The Licensee shall perform the following:

A. Visual Survey:

1. Interior
2. Exterior

B. Required Destructive Test:

1. Core sample

C. Inspection of the existing roof systems and all related components thereof:

3.1.4 General Exclusions:

A. The Roofing Contractor is NOT required to perform the following:

1. Determine the presence of any environmental hazards including but not limited to hazardous or contaminated materials, inclusive of toxins, mold, asbestos, carcinogens, etc.
2. Structural integrity of the building.

DIVISION 4 - ADMINISTRATION

4.0 ADMINISTRATION

4.1 Notice of Proposed Regulation

- 4.1.1** Before adopting, amending, or repealing any rule, the Board shall give notice of the proposed adoption, amendment, or repeal as required by the Administrative Procedures Act, Chapter 42-35.

4.2 Temporary Regulation

- 4.2.1** The Board Administrator may adopt, amend, or suspend a regulation as provided in Administrative Procedures Act, Chapter 42-35.
- 4.2.2** The Board may adopt a temporary policy to transfer a registration to a license, allowing no more than 120 days from the implementation of the statute to accept changes.

4.3 General Procedures

- 4.3.1** The Board adopts the Administrative Procedures Act, Chapter 42-35 as the procedures to be utilized for administrative hearings of the Board or administrative hearing officers.
 - A. To be timely received, the following items must be received by the Commission within 20 days from the date a proposed order is mailed by the Commission:
 - 1. A request for hearing;
 - 2. Exceptions to an Agency order.

4.4 Hearings Postponements

- 4.4.1** A postponement of a hearing may be granted at the request of a party if:
 - A. The request is promptly made after the party receives the notice of hearing; and
 - B. The party has good cause as stated in the request, for not attending the hearing at the time and date set. For the purposes of this section, good cause exists when:
 - 1. The circumstances causing the request are beyond the reasonable control of the requesting party; and
 - 2. Failure to grant the postponement would result in undue hardship to the requesting party.

- C. The Executive Director or designee, upon receipt of documentation and within 24 hours of the hearing, may postpone the hearing for just cause.

4.5 Commission Representation by Officer or Employee

- 4.5.1** Commission officers and employees may appear, on behalf of the Commission in compliance hearings involving the possible imposition of civil penalties, and in other compliance and claims hearings on an individual case basis.
- 4.5.2** When Commission officers or employees are representing the Commission in a hearing, the presiding officer shall advise such representative of the manner in which objections may be made and matters preserved for appeal. Such advice is of a procedural nature and does not change applicable law on waiver on the duty to make timely objection. Where such objections may involve legal argument, the presiding officer shall provide reasonable opportunity for commission officers or employees to consult legal counsel.

4.6 Delivery of Notices

- 4.6.1** Time for response to all notices shall run from the date of mailing.
- 4.6.2** Unless otherwise agreed to by the Commission and the parties, the Commission shall schedule contested case hearings no sooner than 20 calendar days from the date the parties are notified of hearing.
- 4.6.3** Appeals or motions will be heard at the next Board meeting or as the calendar permits.

4.7 Information Requests

- 4.7.1** Complaints filed with the Board will be classified under investigation, and shall be deemed to be confidential, and any information in regard to this complaint will not be provided by telephone inquiries or written request until such time as an investigator has had the opportunity to review the matter filed. Upon investigation and a determination that the complaint is valid, and upon sending the matter to an Administrative hearing, resulting in an order issued by the Commission; the information will become public record and remain on the inspectors' record, unless expunged to the Board. Those matters on appeal to the Board, which are found in the favor of the roofing contractor, will be removed from public record.

4.7.2 The Commission will provide the following information in response to requests for license information relating to a specific person:

- A. Whether or not the person is or has ever been licensed.
- B. The license number(s).
- C. The business names used by the entity of record with the Commission.
- D. Type of business organization (individual proprietorship, partnership, or corporation).
- E. Personal names of owners, partners, or corporate officers, and licensed roofing contractor
- F. actors'.
- G. Last known address of person.
- H. Expiration dates or dates upon which the license became inactive and the reason it became inactive.
- I. The date the person first became licensed.
- J. Validity of insurance, bonding and name of company.
- K. Number of proposed or final order complaints on computer record:
 - i. Status
 - ii. Type
 - iii. Date filed;
 - iv. Fines assessed.
- L. Any violations issued by the Board.

4.7.3 The Commission shall provide certification of licensee or non-licensee relating to a specific entity upon written request and payment of required fee. This certification will include the following information:

- A. License number(s).
- B. Name of licensed person and any business names licensed with the commission.
- C. Type of business (individual proprietorship, partnership, or corporation).
- D. Personal names of owner, partners, or corporate officers.
- E. The important dates in the license history and the action that took place on those dates.

4.7.4 If more information is required than that listed in Section (1 or 2) of this regulation the request for information should be made in writing. All requests for information should comply with R.I.G.L. 38-2-6, which disallows the commercial use of public records.

4.7.5 If no complaints have been filed or if it appears to the Commission that the person

about whom the inquiry is being made is non-licensed the caller will be given this information by telephone.

4.7.6 The Commission may impose the following charges for records and filing fees:

- A. \$10.00 for each certification that an entity has or has not been licensed with the Board.
- B. \$10.00 for certified copies of documents.
- C. \$5.00 for every 35 copies made, or 15 cents per copy.
- D. \$30.00 per tape for duplicates tape recordings of Commission hearings.
- E. \$20.00 for a quarterly list of licensees, or computer disks, except that the list will be provided free of charge to city and state building departments.
- F. Charge as determined by production cost for mailing labels of licensees.
- G. The Commission shall not refund fees or civil penalties, unless an administrative error occurred.
- H. When an applicant fails to complete the license or renewal process within six months of the date the application was received by the Commission, the Commission may retain fee.
- I. A filing fee of \$150.00 shall be imposed for any claims filed with the Board.
- J. A fee of \$20.00 is imposed for any administrative appeal.

4.8 Rules of Procedure for Board Meetings

4.8.1 The Board adopts the following rules of procedure for its meetings.

- A. A quorum shall be six (6) members, which at least one must be a commercial roofer when the Board hears appeals regarding commercial roofing cases.. A majority of affirmative votes among the members present are required for any official action or decision of the Board. A quorum must be present for the Board to be called to order and to make decisions. Except in cases where a member's vote would result in a prejudiced, biased, or unfair decision or action, no member shall abstain from voting.
- B. In accordance with applicable governing statutes, the chair shall establish the time, date, and place for the Board to convene. Proper notice of all meetings, hearings, and matters requiring notice shall be given to the members of the Board, and all interested persons requiring notice in accordance with Rhode Island General Laws.
- C. The chair shall work with the Board's Executive Director to determine the substance of the agenda for each meeting. The order of business shall be:

1. Call to order.
 2. Approval of agenda and order of business.
 3. Approval of minutes of previous meetings.
 4. Consideration of complaints on appeal and oral argument.
 5. Report of Executive Director and staff.
 6. Old business.
 7. New business.
 8. Public comment.
 9. Announcements.
 10. Adjournment.
- D. Members of the public wishing to testify before the Board at public meetings on issues relevant to its business shall sign a registration form.
- E. If any person engages in disruptive conduct at a meeting, such conduct shall be grounds for the chair to expel the person from the meeting.
- F. The chair shall exercise all the rights and duties of other members, including the right to introduce motions and proposals and to speak and vote on them while presiding.
- G. No member of the Board shall speak or act on behalf of the Board without specific authorization by law or by the Board. The Board shall not delegate its statutory rule making authority, except to an officer or employee within the Commission who shall be authorized by the Board to adopt temporary regulations pursuant to A.P.A. (The Administrative Procedures Act) Rhode Island General Law 42-35-3(5)(b).

4.9 Ethics Policy

- 4.9.1** The Board is subject to the ethics policy as established by Chapter 36-14, as well as the code of ethics established by the Board.

DIVISION 5 - LICENSING

5.0 Licensing

5.1 Application:

5.1.1 Licensing is required for the following: Any person or entity engaged in the State of Rhode Island in the business of commercial or industrial roofing, or any combination of these inclusive of any and all construction, renovation or other work performed on or about the roof, as the term is commonly used, of any nonresidential structure or similar building or structure and specifically includes sealing, water proofing, weatherproofing, related sheet metal work, and similar work.

5.1.2 Any contractor holding a valid commercial roofing registration may be qualified to obtain a license provided one meets the criteria established in the implementation of the law and regulations

5.2 License

5.2.1 To be eligible for a license as a commercial roofer, an applicant shall fulfill the following requirements:

- A. Be of good moral character;
- B. Have successfully completed high school or its equivalent;
- C. Have been engaged as a register or licensed contractor in good standing in any state for an aggregate of not less than five (5) years; and
- D. Have passed an examination approved or administered by the board.;
- E. Provide the Board with all the proper insurance and bonding requirements.

5.1.2 A certificate of license will be issued to one person only. Other persons shall not be included in that license, but each shall be licensed and shall separately meet the requirements of licensing. No entity may perform work subject to Chapter 5-73 through the use of another person's license.

5.1.3 License shall be limited to commercial roofing work other than shingles as established by law.

5.1.4 If a person licensed as an individual, partnership, or corporation, seeks to change to another person the former license will be terminated the new person must license anew.

A. License Requirements:

1. Submit application form, supporting information such as corporation papers, if applicable, insurance requirements, and the appropriate fee of \$200 for a one-year period, for a license.
2. Identify the licensed commercial roofer (s) if work is to be subcontracted upon the request of the Board or building official.
3. Maintain the services of at least one licensed commercial roofer, if a corporation then the officer of the corporation pursuant to records filed with the Rhode Island Secretary of States office must be licensed. In the event of the resignation or termination of said commercial roofer the business must notify the commission in writing within thirty (30) business days and petition the Board for temporary license. Contractor must refrain from engaging in any work regarding roofing until obtaining the services of another Rhode Island licensed commercial roofer or until the licensing requirements are fulfilled.
4. Each commercial roofing business must maintain and provide to the board a list of the licensed commercial roofers employed or subcontracted who performed work on commercial roofs.
 - a) The President of the Corporation will be responsible for the activity of the corporation;
 - b) Licensee must pass an examination as approved by the Board;
 - c) No prior actions with this Board or other state Board are unresolved;
 - d) Must meet minimum requirements of these standards;
 - e) All license holders, foreman and construction supervisors employed are required to have ten (10) hours of OSHA safety training in order to perform work for the company. This record will be required to be part of the Boards records. Failure to comply with this requirement may result in fines and action on the commercial license.
 - f) Must maintain CEU's required per division 9.

5.1.5 All partners within a partnership shall be on record with the Board. Partnerships consisting of spouses shall be treated as partnerships consisting of unrelated persons, and all parties must be licensed and pay the required \$200.00 and comply with requirements set forth in these rules and regulations.

5.1.6 Notification must be made to the Commission for any change in the composition of that partnership; except for the reallocation of interest among the existing partners.

- 5.1.7** Each person shall list on its application for license or renewal, all business names under which business will be conducted, and each business entity must be licensed.
- 5.2.8** A commercial roofers license is valid for the term for which it is issued only if the following conditions are met throughout the licensing period:
- A. The insurance required by Section 5-73-3 and 5-65-7 remains in effect; and
 - B. If the licensee is an individual, survival of that individual; or
 - C. If the licensee is a partnership, any change in the composition of that partnership, by death or otherwise must be reported to the Board; or
 - D. If the licensee is a corporation, survival of that corporation, including compliance with all applicable laws governing the corporation and the president must hold a valid license.
- 5.2.9** An applicant for a license or renewal shall certify that the applicant has procured insurance as required by Section 5-73-3 and 5-65-7 and will continue to meet those insurance requirements for as long as the applicant is licensed. This certification constitutes satisfactory evidence of insurance and the Board is the holder of the certificate.
- A. If the requirements have been met, and the Commission receives a notice of cancellation, the Commission may send a notice to the licensee, by regular mail, reminding the licensee of the obligation imposed by the licensee's insurance certification.
 - B. The licensee shall maintain the insurance required by Section 5-73-3 and 5-65-7 in effect continuously until the license is terminated, revoked, or expired. If the licensee, in performance of work subject to these regulations, through failure to comply with this subsection, causes damage to another entity; or performed work without insurance, or to the property of another person for which that entity could have been compensated by an insurance company had the required insurance been in effect, the Commission may assess a civil penalty against the licensee in an amount up to \$1,000.00 in addition to such other action as may be taken under Section 5-65 and 5-73, per day per offense.
 - C. It is the responsibility of the licensee to assure insurance certificates are maintained and are on file with the Contractors' Registration Board. Insurance certificates with an expiration date of less than 45 days will not be accepted.
 - D. An Identification card will be issued to the licensee who has passed an examination if required, and met the minimum requirements. The licensee as a cardholder may appoint a designee, but no more than three (3) designees will be issued to any corporation, or LLC. A notarized letter by the license holder must be provided to the Board to issued cards to designees.

- 5.2.10** A person whose license has lapsed is considered unlicensed from the date the lapse occurred until the date the license is renewed, reissued, or reinstated. During a period of lapse, the person shall not perform the work of a commercial roofer, and may be subject to a violation.
- 5.2.11** If a license becomes invalid, or lapses, the Commission requires the return of the license and all identification card(s), inclusive of designees.
- 5.2.12** No person shall advertise or otherwise hold out to the public that person serves as a commercial roofer, nor shall any person claim by advertising or by any other means to be licensed unless that person holds a current, valid license issued by the board.
- A. All advertising for work subject to Chapter 5-73 prepared by a commercial roofer's request or direction shall show the license number.
 - B. All written contracts subject to Chapter 5-73 shall show the license number, and commercial roofer's license number.
 - C. All telephone directory space ads and display ads shall show the license number.
- 5.2.13** The fee for a commercial roofer's license is \$200.00 every year and the renewal fee is the same. A late fee of \$100.00 plus \$25.00 per month shall be charged for any renewal, reissued, or reinstatement received by the Commission after the expiration date. Any licensee who fails to surrender their license will be charged \$25.00 per month up to one year in addition to the late fee assessment. All other fees for testing or courses will be the responsibility of the licensee. If a license lapses for a period of six (6) months or more, then testing with the proper passing grade will be required for reinstatement.
- 5.2.14** Reciprocity with other state shall be limited to those states that have requirements substantially equivalent to those established in these rules and regulations and are subject to the boards review and approval, and must meet the standards established by NASCLA, the National Association of State Contractors Licensing Agencies for examinations, when and if established.
- 5.2.15** Age - Any person (18) year of age or older who meets these requirements may apply.

5.3 Record Changes

5.2.16 Requests for record modifications necessitating a license change shall be accompanied by a \$25.00 fee.

5.2.17 No charge will be made for address changes on the record.

5.4 Applications for Licenses

5.2.18 The application required together with the fee shall be on file with the Commission before a license may be issued, except as provided in these regulations.

5.2.19 The effective date of the license or renewal may not be prior to the date of receipt of all documents inclusive of passing test scores, and/or fees required by law and set forth by these regulations: unless the Commission determines that delays in receipt of required documents and/or fees were caused by a Commission error.

5.2.20 A complete application for commercial roofer includes:

- A. A completed application on the proper forms provided by the commission; (The commission may return an incomplete application for a license to the applicant with an explanation of the deficiencies. Returned forms may be subject to late filing fees, and six- (6) month requirement for termination.)
- B. The certification of liability and bond with an indication that the insurance agent or company shall directly notify the Commission, being a certificate holder; upon termination of insurance coverage;
- C. The application fee; \$200.00 for a one year period;
- D. Verification that the licensee has passed the appropriate examination as determined by the board;
- E. Verification that the required continuing education units have been completed upon renewal of licensee, and all supervisors and foremen meet OSHA education requirements in accordance with division 9.

5.2.21 The license will be issued when all fees and all documents required by law and by these regulations are on file with the Commission and have been thoroughly reviewed.

5.2.22 If a license is lost, misplaced or destroyed, the licensee shall file an affidavit to that effect and for a fee of \$25.00, it may be reissued.

5.5 Renewal and Reissue of Licenses

- 5.2.23** A license may be reissued upon the applicant's completion of the renewal or application form prescribed by the Commission and upon payment of the fee or fees, and if it appears to the Commission that the applicant has supplied the required certification of insurance coverage.
- 5.2.24** All licenses issued by the Board expire on the first day of the month, from the date issued, and will be valid for a period of one year, unless otherwise acted upon by the Board.
- 5.2.25** The effective date of reissue shall be the date all requirements for licensing, including submission of a certification of insurance coverage, and payment of the renewal and late fees.
- 5.2.26** A licensee who fails to meet the requirements for renewal as established, is not authorized to conduct roofing for compensation, or use the license number after the expiration date and will be subject to penalties.
- 5.2.27** If a licensee fails to renew, from expiration date, within a ninety day (90), the board may grant renewal upon its discretion if the licensee completes all continuing education requirements, pays appropriate fees, and meets all other terms as set forth in these rules and regulations; otherwise testing will be required.

5.6 Revocation or Suspension of Licenses

- 5.2.28** If the Commission adjudges one or more complaints against a licensee, which that person fails to fulfill, the Commission may revoke, suspend, or refuse to issue or reissue a license, after a hearing. Revocations will be conducted in accordance with the Administrative Procedures Act, Chapter 42- 35 of the General Laws as amended. The Executive Director may reissue, or allow suspended licenses reinstatement upon proof of compliance to all outstanding orders issued by the Board, and settlements. Disciplinary action may be taken if the board determines that a licensee or applicant has:
- A. Failed to adhere to code of ethics established;
 - B. Obtained a license or authorization to sit for an examination, as the case may be, through fraud, deception, or misrepresentation;
 - C. Engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise, or false pretense;

- D. Engaged in gross negligence, gross malpractice, or gross incompetence;
- E. Engaged in repeated acts of negligence, malpractice, or incompetence;
- F. Engaged in professional or occupational misconduct as may be determined by the board;
- G. Been convicted of any crime involving moral turpitude or any crime relating adversely to the activity regulated by the board, in which case the Board will make a determination upon request;
- H. Had his or her authority to engage in the activity regulated by the board revoked or suspended by any other state, agency or authority for reasons consistent with this section;
- I. Failed to provide continuing education requirements;
- J. Violated or failed to comply with any order of the board or provisions of the chapter of law governing commercial roofers or any rules and regulations promulgated and administered by the board;
- K. Become incapable, for medical or any other material reason, of discharging the functions of a licensee in a manner consistent with the public's health safety and welfare;
- L. Failed to obtain or maintain the insurance required by section 5-65-7, and 5-73-3 or
- M. Knowingly assisted an unlicensed person to act in violation of 5-73;
- N. In addition to all other remedies, when it appears to the board that a person has engaged in, or is engaging in, any act, practice or transaction which violates the provisions of chapter 5-73, the board, may direct the attorney general to apply to the court for an injunction restraining the person from violating this law.
- O. Such that could result in harm or injury to the public; engaged in activity without having a current license, either performed roofing work for compensation or claimed to be licensed.
- P. Act on license if hire a non-licensed roofing contractor.

5.2.29 In order to expunge the record of any proposed or final orders the licensee may petition the Board to withdraw this information from the record. Upon reviewing the matter and discussion, and a determination by the Board; the Executive Director may delete this public information for just cause.

5.2.30 If a licensee's number is fraudulently used, or modifications made to the licensing card, a penalty of \$1,000.00 may be imposed, to the appropriate party per day and per offense.

5.2.31 Action on a license may preclude future licenses or action on other business licenses held by the same principals concurrently and may require a reexamination.

DIVISION 6 - COMPLIANTS

6.0 Complaints

6.1 Filing of Complaints

- 6.1.1** Complaints will be accepted against commercial roofers; or anyone engaged in this practice only for action against license for breach of contract, negligent or improper work or disciplinary action.
- 6.1.2** Complaints will be accepted only for work performed within the boundaries of the State of Rhode Island, for commercial roofing projects.
- 6.1.3** A non-refundable filing fee of \$50.00 will be required to process the complaint, when filed by anyone except the commission.
- 6.1.4** The filing fee may be ordered by the board to be reimbursed to the complainant by the licensee if the licensee is found at fault.
- 6.1.5** The Board may act on a license.

6.2 Initiation:

- 6.1.5** Any person, organization, agent or employee of the commission or member of the board may file a complaint for cause or provide information to the board, which alleges misconduct by a licensee. The boards' complaint form shall request the name, address, and telephone number of the party filing the complaint and a detailed description of the alleged act(s) which prompted the complaint and must be signed by the complainant or an authorized representative. Upon review of the director, the matter may be referred for an administrative hearing, or further investigation, or dismissed.

6.3 Complaint Forms:

- 6.1.6** Complaints shall be submitted on complaint forms provided by the Commission. The Commission may require the use of the most recent version of this form.
- 6.1.7** The complainant shall submit the following information if available:

- A. The names, address, and telephone number of the complainant;
- B. The name, address, telephone number, license number of the licensee, and business;
- C. A detailed description of the alleged act(s);
- D. The date on which the contract was entered into; if the contract was in writing, a copy of the contract shall be attached to the complaint form with the inspection report, and any other reports made by consultants;
- E. Job location;
- F. Counter claims of the contractor, if any;
- G. A certification by the complainant that the statement of complaint is true;
- H. Copies of any adjudication by a court or by binding or non-binding arbitration;
- I. Supportive information, which shall refer to specific violations to the standards of practice, code of ethics and statutes.
- J. Whenever the complainant fails to respond to the Commission's requests for information and documentation within the time period specified by the Commission, the Commission may close the complaint file without notifying the parties.

6.4 Inquiry and Investigation:

- 6.1.8** After receipt and review of a written complaint, the commission shall conduct or cause to be conducted any reasonable inquiry or investigation it deems necessary to determine the truth and validity of the allegations set forth in the complaint. If an inspection of the property is deemed necessary the licensee, the complainant and the commission or other parties merited may be present. If the commission determines that the complaint is lacking in merit, it may close the complaint, without notifying the parties.

6.5 Request for Response and Boards Response:

- 6.1.9** If the board or commission determines that a complaint has merit, the board, commission or its agent may request that the licensee who is the subject of the complaint provide a response to the complaint. A licensee may respond to a request for response either personally or through an attorney. A response must address the substantive allegations set forth in the complaint and be provided in writing within a 30 day time period; or request an extension to be granted by the board or commission.

6.7 Commission procedure for processing claims

- 6.1.10** In determining the acceptability for a complaint, the Commission shall determine whether it falls within the parameters outlined in Rhode Island General Law 5-73 as to scope, and Commission jurisdiction. Corrective measures taken by the complainant prior to contacting the licensee or board may result in a dismissal of the complaint, unless it was sufficiently substantiated.
- 6.1.11** The Commission will provide a copy of all complaints filed to the person(s) against whom the complaint is filed.
- 6.1.12** The Commission reserves the right to inspect the property subject to the complaint. If the complainant refuses access, the Commission may dismiss the complaint permanently.
- 6.1.13** Administrative hearings may be held before a hearing officer of the Commission. The complainant must prove negligence, breach of contract, or violation to the statute governing licensing roofers has occurred; and that the licensee caused them. If the complainant fails to carry this burden of proof, the Commission will dismiss the complaint.
- 6.1.14** If the complainant, after being properly served notice of the hearing in accordance with these rules, fails to appear at a hearing, the Commission may dismiss the claim, unless it finds that failure to appear was caused by circumstances outside the control of the complainant.
- 6.1.15** If the licensee, after being properly served notice of a hearing in accordance with these rules, fails to appear at a hearing, the Commission will issue a default order based upon the commission's representation of a prima facie case. The only exceptions will be those situations in which the licensee failure to appear was caused by circumstances outside the licensees control. At the discretion of the Executive Director, if cause is beyond the control of the licensee, a new administrative hearing may be scheduled.
- 6.1.16** Complainant or licensee may challenge and offer evidence to disprove the Commissions' investigative report, if any, at an administrative hearing.
- 6.1.17** Based upon evidence received at the hearing, the hearing officer will prepare findings of fact and conclusions of law, and will issue a proposed order. The proposed order may determine if the licensee engaged in the conduct alleged and the appropriate

penalty, including requiring the licensee to take training or education courses, probation, letter of reprimand, or license suspension or revocation; and the order may set forth any conditions that must be met in order to remove the suspension or probation, to reissue the license, or to issue the license.

- 6.1.18** The record of the Commission hearings will include a tape recording of the proceeding. Tape recordings more than thirty (30) days beyond the end of the 30 day appeal period, following the issuance of the Commissions' final order will be discarded, except when the petition for judicial review to the Court of Appeals has been timely filed. Any additional cost incurred due to service or processing of the final order may be the responsibility of the party found at fault inclusive of fees for a professional court reporter and transcripts. A 24-hour cancellation notice shall be required in all cases and the party or parties responsible for the cancellation shall be responsible for any cancellation fees charged by a professional court reporter.
- 6.1.19** Transcript costs shall include the cost of an original for the Board. An attorney requesting a transcript on behalf of a party shall be a guarantor of payment of the cost. Cost shall be determined under supervision of the presiding officer who in cases deemed to be appropriate by him or her may require an advance security deposit to cover the prospective cost. The security deposit shall be applied to the actual cost and any excess shall be returned to the party that submitted it.
- 6.1.20** Throughout the processing of a complaint, the complainant has the responsibility to pursue the complaint and to respond in a timely manner to requests from the Commission for information or documentation. Failure of a complainant to respond to correspondence from the Commission, or to provide requested information or documentation within a time frame specified in that correspondence or request, may result in closure of the complaint filed by the Commission without further notice to the complainant.
- 6.1.21** Any person who violates a final order of the board shall be deemed guilty of a misdemeanor and, upon conviction, may be imprisoned for a term not exceeding one (1) year, or fined not more than five thousand dollars (\$5,000.00) for each offense.

6.8 Informal Conference:

- 6.1.22** To facilitate disposition, the commission may request any person to attend an investigative conference to discuss the complaint and respond at any time prior to the commencement of a formal hearing.

6.9 The Commission's right to refuse and/or dismiss complaints:

- 6.1.23** The Commission may, discontinue processing a complaint whenever it determines that the issues involved are more suited to adjudication by a court.
- 6.1.24** The Commission may resume processing a complaint which has been previously discontinued due to the fact that it was submitted to a court, arbitrator or other entity if:
- A. The complainant submits copies of all final decisions or judgements rendered by the court or other entity together with the complaint or other pleadings used in the case. Data must be submitted within 60 days of the final action. The Board may then act on the license and fine after having provided notice and opportunity for a hearing. The complainant or licensee shall provide the Commission with a copy of the filed civil complaint, and judgement.
- 6.1.25** The Commission may refuse to accept a complaint if the facts and issues of the complaint are the same as those in a complaint previously filed and subsequently disposed.

6.10 Exceptions to Commission Orders:

- 6.1.26** Complainant or licensee may file written exceptions if they believe that the Commission has made a procedural error or that the proposed order is not supported by evidence received at the hearing or for any other reason. To be considered, the Commission within 20 days of the date of mailing of the proposed order must receive exceptions, accompanied by a non-refundable \$20.00 processing fee. If written exceptions are not timely received, the Commission may issue a final order.
- 6.1.27** If exceptions are timely received, the matter will be set for consideration by the members of the Board at their next regular meeting for which agenda space is available. Copies of exceptions filed will be mailed to the other side who may respond to the exceptions. Response and any written argument for or against the proposed order will be accepted up to the Board meeting date if the original exceptions were timely received.
- 6.1.28** The licensee, and/or their attorney(s) may appear before the members of the Board to argue for or against the proposed order. Oral argument will be permitted only if the original exceptions were timely received.

- 6.1.29** At the meeting, members of the Board, inclusive of at least one commercial roofer member, will consider evidence received at the hearing and exceptions and written or oral argument for or against the proposed order, but the Board will not consider new or additional evidence. Time allowed for oral argument before the members of the Board may be limited to twenty minutes for each side.
- 6.1.30** The members of the Board may affirm the proposed order and findings of fact, modify either or both, or send the case back to a new hearing. Unless the case is sent back to a new hearing, the Commission will issue a final order after the Board meeting.
- 6.1.31** Final orders, which have been appealed, are subject to judicial review as set forth in the Administrative Procedures Act, Chapter 42 35 of the General Laws.
- 6.1.32** The Board will also hear motions to vacate or other motions as long as relative to RI General Law 5-73 et el.

DIVISION 7 - PROFESSIONAL COMPETENCE AND CONDUCT

7.0 Professional Competence and Conduct

7.1 Civil Penalties:

- 7.1.1** If the Commission proposes to assess a civil penalty, it shall issue and serve on the licensee a proposed order, giving the opportunity for a hearing.
- 7.1.2** If the Commission issues a proposed order and no written request for a hearing is received by the Commission within 20 days of the date of mailing the proposed order, the Commission may issue a final order as proposed.
- 7.1.3** If the Commission issues a proposed order and a written request for a hearing is timely received, the Commission will set an Administrative hearing to determine whether the licensee has violated any provision of Chapter 5- 73 or of these rules, and the potential of a civil penalty to be assessed.
- 7.1.4** A notice of hearing may contain the amount of the civil penalty proposed by the Commission. The Commission shall not issue a final civil penalty order in an amount greater than the rules and regulations permit.
- 7.1.5** Administrative hearings may be held before a hearing officer of the Commission. The Commission's evidence may be entered into the record by the hearing officer, or by another representative of the Commission. If the licensee fails to appear at the hearing, nevertheless, the Commission must present a prima facie case.
- 7.1.6** Based on evidence received at the hearing, the hearing officer will prepare findings of fact and conclusions and make recommendations to the Commission for disposition of the case. The Commission, after review of the findings of fact and conclusions, will issue a proposed order assessing a civil penalty in a specified amount or dismiss the matter.
- 7.1.7** The licensee may file written exceptions, if the licensee does not believe the evidence received at the hearing supports the proposed order. To be considered, the Commission within 20 days of the date of mailing of the proposed order must receive exceptions. If written exceptions are not timely received, the Commission may issue a final order as proposed.

- 7.1.8** If exceptions are timely received, the matter will be set for consideration by the members of the Board at their next regular meeting, for which agenda space is available. Written argument in opposition to the proposed order will be accepted before the Board meeting date if the original exceptions were timely received.
- 7.1.9** The licensee, and/or the respondents' attorney, may appear before the members of the Board to argue against the proposed order, if the Commission receives written notice of intent to do so timely before the Board meeting date. Oral argument will be permitted if the original exceptions were timely received.
- 7.1.10** At the meeting members of the Board will consider evidence received at the hearing and exceptions and written or oral argument relative to the proposed order, but the Board will not consider new or additional evidence. At least one licensed commercial roofer must be present in order for a decision to be rendered.
- 7.1.11** The members of the Board may affirm the proposed order and finding of fact, modify either or both, or send the case back to a new hearing. Unless the case is sent back to a new hearing, the Commission will issue a final order after the Board meeting.
- 7.1.12** Time allowed for oral argument, before members of the Board, may be limited to 20 minutes.
- 7.1.13** A civil penalty order is due and payable on the date of the final order.
- 7.1.14** The Commission may initiate its own collection proceedings as allowed by law.
- 7.1.15** Interest will accrue in assessed penalties. Interest will accrue from the date of the final order, but will not be added to the civil penalty amount until 70 days after the final order date, unless appealed.
- 7.1.16** The Commission may revoke the license of any commercial roofer who fails to pay on demand a civil penalty, which has become due and payable.

7.2 Schedule of Fines

- 7.2.1** The Commission may assess fines according to the following schedule:
- A. \$500.00 for the first offense for advertising or submitting a bid to do work as a licensed commercial roofer in violation of 5-73 and regulations. Fine may be reduced at the Commissions discretion, if the licensee withdraws the advertisement, but can be assessed on per day per offense bases.

- B. \$1,000.00 for the first offense for advertising or submitting a bid to do work as a commercial roofer in violation of regulation, when one or more previous violations have occurred; and
- C. \$5,000.00 for the first offense for performing work as a commercial roofer, per offense per day in violation of section 5-73, or code of ethics. Fine may be reduced, at the Commissions discretion.
- D. Any registered or licensed contractor who hires and unlicensed or non-registered contractor will be subject to a fine in accordance with section (E) or 5-65 et el.
- E. \$5,000.00 for the first offense for hiring a non-licensed commercial roofer or roofing company by another licensed roofer.
- F. Failure to list with the Board a business name, under which business as a commercial roofing company is conducted, in violation of regulations: first offense, \$100.00; second offense, \$500.00, subsequent offenses, \$1,000.00.
- G. Altering a license card or using another license number shall result in a \$5,000.00 fine.
- H. Failing to provide the Board with updated continuing education credits will result in a \$500.00 and may result in immediate suspension of license.
- I. Failing to provide the Board with updated information on supervisors, or construction foreman may result in \$500.00 fine per offense.

DIVISION 8 - EXAMINATIONS

8.0 Examination:

All applicants other than those previously exempted must pass an examination, approved by the Board and this test will be administered at least twice a year. This exam will be developed by a professional testing agency and administered by a qualified test administrator providing, and assuring quality control, security, and psychometrically sound and accurate testing, as approved by the board. In addition a Rhode Island business and law examination may be required as approved by the board. This will establish a minimum competency standard for commercial roofers, in the State of Rhode Island, to assure that the board licensed commercial roofer is able to perform the essential duties of a job.

8.1 Cost:

The cost of examinations, arrangements to schedule the examination, and any other special conditions, will be the responsibility of the applicant.

8.2 Scoring:

A passing grade will be established and appeal rights available upon request, prior to exiting testing facility. Subject matter is validated by experts in the industry and reviewed annually.

8.3 Content:

This competency-based examination includes the following content areas:

Competency-based Content Areas

8.3.1 General roofing project knowledge;

8.3.2 Low slope roofing, and related design guidelines;

8.3.3 Re-roofing;

8.3.4 Architectural metal;

8.3.5 Construction details;

8.3.6 Steep slope roofing;

8.3.7 Moisture and energy control.

8.4 Examinations:

Examination will consist of multiple-choice questions, and the applicant, upon completion, will be advised of examination results. Upon passing the examination, OSHA ten (10) hour training, ten (10) hours of CEU's and completing the application, with the proper insurance certificates and fee, the Board will review the application and notify the applicant within thirty (30) days of his/her status.

- 8.3.8** If the applicant fails the examination, a re-take is possible, but there is a thirty- (30) day waiting period. The applicant will be responsible for all appropriate fees for re-examination.

8.5 Study Aids:

Study aids may be available for business and law portion of the exam.

- 8.3.9** Suggested Readings and References, offers title authors and publishers of materials that may be of help in preparing for the examination, will be provided at the Boards web site, and refer to NRCA, RCI, SMACNA; etc.

DIVISION 9 - CONTINUING EDUCATION

9.0 Continuing Education Requirements:

9.1.1 Commercial roofers are required, as a condition of the license renewal, to complete a minimum of 12 CEU of continuing education activities per continuing education period. A continuing education period consists of the 12 months prior to each renewal date obtained through board recognized CEU program. Only those continuing education activities, which are completed during the required continuing education period (12 months prior to each renewal date) will be acceptable as qualifying continuing education activities for that period. All continuing education activities, other than Board approved programs, are subject to approval by the Board.

9.2 Approved Courses:

9.1.2 The Board may accept courses approved by the following organizations:

RIBCSA Rhode Island Building Code Standards Committee

RICRB Rhode Island Contractors' Registration Board

NRCA National Roofing Contractors Association

RCI Roof Consultants Institute

CDA Cooper Development Association

NERCA North East Roofing Contractors Association

MIDWEST Approved roofing contractor.

9.1.3 The Board must be provided certification of attendance by the sponsor. In addition to this list, the Board may approve other courses or organizations.*

*Alternate Education Courses: such as those provided by other college or universities, and seminars, building code courses, public affairs media presentations.

9.3 Verification/Approval of Continuing Education Activities:

9.1.4 The Board will require a certificate to be submitted by licensee at the time of renewal, attesting to the satisfaction of the continuing education requirements. For each CEU earned by the participation in a continuing education activity, a licensee must provide the following:

A. Title of activity;

B. The number of hours spent in the activity;

- C. The name of the Board recognized entity or academic institution that sponsored the activity;
- D. Dates and location the activity was held.

9.1.5 In order to receive credit from the Board for completion of continuing education activities, the activity must be directly related to the practice of commercial roofing. Instructors of courses, workshops, or seminars may be credited one hour for each continuing education hour of activity taught by the instructor.

9.4 Extensions of Time:

- 9.1.6** A licensee may request and be granted an extension of time to satisfy the continuing education requirement for a particular license period, if the licensee provides evidence to the Board that the licensee was unable to obtain the necessary education because of an incapacitating illness or other circumstance that:
- A. Existed for a substantial portion of the license period;
 - B. Constituted a severe and verifiable hardship; made it impossible or unreasonably burdensome to comply with the continuing education requirement;

9.5 Denial or Withdrawal of Credit:

- A. The Board shall deny continuing education credit claimed by a licensee, and shall withdraw continuing education credit previously awarded by the Board to a licensee if:
 - 1. The licensee intentionally or unintentionally provided incorrect or incomplete information to the Board concerning continuing education or compliance with this section; or
 - 2. The licensee was mistakenly awarded continuing education credit because of an administrative error; or
 - 3. The licensee failed to comply with the attendance requirement of the course.
- B. When continuing education credit is denied or withdrawn by the Board under paragraph A (1) or A (2) of this rule, the Board may, upon request of the licensee, grant the licensee an extension of time to satisfy the continuing education requirement. When continuing education credit is denied or withdrawn by the Board under paragraph A (3) of the rule, the licensee remains responsible for satisfying the continuing education requirement.

DIVISION 10 – STANDARDS

10.0 Construction Standards:

The following performance standards set minimum standards and prescribe the level for quality of materials and performances in workmanship for the construction or alteration of commercial roofs.

10.1 Structural and Mechanical System Standards

10.1.1. The structural and mechanical systems standards to be used in determining the adequacy of design, materials and workmanship for the structural components of the roof and for the mechanical systems, plumbing, electrical and heating and cooling systems shall be the provisions of the Rhode Island State Building Code in effect on the date that the construction permit was issued. The standards of adequacy for plumbing systems shall be specified in the Rhode Island Plumbing Code SBC-3; for heating and air conditioning systems shall be specified in the Rhode Island Mechanical Code SBC-4 and for the electrical system capability shall be specified in the Rhode Island Electrical Code SBC-5.

10.2 Major Structural Defects

10.2.1 A structural failure will not be considered a defect until it has been established by the Building Official, or State Building Commission under the State Building Code in effect on the date that the construction permit under which the roof was constructed or altered was issued as an actual or pending structural failure.

10.2.2 The following are excluded as major structural defects:

- a. Movement caused by flood or earthquake;
- b. Actual or resultant damage caused by lightning, tornado, unnatural high winds or hurricanes;
- c. Damage caused by other additions or alterations to the roof;
- d. Improper loading over and above the design criteria for which that portion of the work was intended;
- e. Resultant structural damage due to fire;

10.3 General Roofing Requirements

10.3.1 The Contractors' Registration Board has adopted the NRCA, The National Roofing Contractors Association requirements as the standards to be utilized in constructing commercial roofs in the State of Rhode Island.

10.4 Interpretation and Severability

10.4.1 The provisions of these regulations shall be liberally construed and shall be held to be in addition to, and not in substitution for, or a limitation of the provisions of any other regulation or law. If any provision or part thereof of these regulations or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, the remainder of these regulations and the application of such provisions to any other persons or circumstances other than those to which it is held invalid shall not be affected thereby.